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09/757,314	01/09/2001	Masayuki Kitagawa	MITUM22.001AUS	6789

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EXAMINER	
DANG, KHANH NMN	

ART UNIT	PAPER NUMBER
2181	6

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/757,314	KITAGAWA, MASAYUKI	
	Examiner	Art Unit	
	Khanh Dang	2181	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____ .

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-15* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-15* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

DETAILED ACTION

Claim Rejections - 35 USC § 112

Claims 1-15 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

With regard to claim 1, the essential structural relationships between the so-called "first entity," "second entity," "detector," and "function select mechanism. See MPEP § 2172.01.

With regard to claim 10, the essential structural relationships between the so-called "first entity," "second entity," "detector," and "function select mechanism. See MPEP § 2172.01.

With regard to claim 13, in lines 1-3, the phrase, "selecting one out of ... second functions" is unclear and cannot be ascertained. Also, the following terms lack proper antecedent basis: "first resistance" and "second resistance."

With regard to claim 15, in lines 1-3, the phrase, "selecting one out of ... second functions" is unclear and cannot be ascertained.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-15 are rejected under 35 U.S.C. 102(e) as being anticipated by Oguma.

It is first noted that similar claims will be grouped together to avoid repetition in explanation.

As broadly drafted, these claims do not define any structure/step that differs from Oguma. With regard to claims 1, 7, 10, and 11, Oguma discloses an apparatus for selecting one out of two functions, comprising: a first entity (6, for example) having a first function, a second function, at least one detector (64, 61) and a function select mechanism (including 62, 63, and 65); a second entity (1, for example) having at least one of the first function and the second function; and an interface (USB Protocol) for connecting the first entity and second entity, the interface (USB) connected to the at least one detector (64, 61); wherein the at least one detector (64, 61) detects a function of the second entity when connected to the first entity, and the function select mechanism selects one out of the first and second functions in the first entity in response to an output of the at least one detector (64, 61) corresponding to the detected function. With regard to claim 2, the first function and the second function are a host function and a device function, respectively. See also, Fig. 3 and description

thereof). With regard to claim 3, the at least one detector is two detectors (64, 61). With regard to claim 15, one using the device of Oguma would have performed the same method steps set forth in claim 15.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 4 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Oguma.

Oguma discloses the claimed invention including the use of at least one detector (61, 64). However, Oguma does not disclose that the detector (61, 64) includes a comparator. It would have been obvious to one of ordinary skill in the art at the time the invention was made to employ a comparator in the type of detectors (61, 64) disclosed by Oguma, since the Examiner takes Official Notice that such a comparator is notoriously well-know in the art for its use in conventional detecting means (in order to detect, a detector compares the detected value with a reference value), and the selection of a so-called "comparator" for use in Oguma's detectors would be clearly within the level of ordinary skill in the art. If Applicant challenges the fact that such a

"comparator" is well-known for its use in detectors, supportive documents will be provided upon request.

Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Oguma.

Oguma discloses the claimed invention including the use of a function select mechanism (including 62, 63, and 65). However, Oguma does not disclose that the function select mechanism (including 62, 63, and 65) includes a microprocessor. It would have been obvious to one of ordinary skill in the art at the time the invention was made to employ a microprocessor for the function select mechanism (including 62, 63, and 65) disclosed by Oguma, since the Examiner takes Official Notice that such a microprocessor is notoriously well-know in the art for its use in selection/computation/automation process, and the selection of a microprocessor for use in Oguma's function select mechanism (including 62, 63, and 65) would be clearly within the level of ordinary skill in the art. If Applicant challenges the fact that such a microprocessor is well-known for its use in selection/computation/automation process, supportive documents will be provided upon request.

Claims 8 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Oguma.

Oguma discloses the claimed invention including the use a first entity and a second entity (discussed above in the 102 rejection). Oguma does not particularly disclose that the first entity may be a digital camera and that the second entity may be

either a camera (claim 8) or a printer (claim 9). However, Oguma, col. 1, lines 11-25, under "Description of the Related Art," states that it is known in the art to use USB to tranfer data/images among various devices such as digital camera and printer. It would have been obvious to one of ordinary skill in the art at the time the invention was made to employ camera as a first entity and camera or printer as a second entity in Oguma, as taught by the "Related Art", for the purpose of transferring data/image among various devices such as camera and printer.

Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Oguma.

Oguma discloses the claimed invention including the use of a function select mechanism (including 62, 63, and 65). However, Oguma does not disclose that the function select mechanism (including 62, 63, and 65) includes a field programmable gate array or gate array. It would have been obvious to one of ordinary skill in the art at the time the invention was made to employ a field programmable gate array or gate array in the function select mechanism (including 62, 63, and 65) disclosed by Oguma, since the Examiner takes Official Notice that such a field programmable gate array or gate array is notoriously well-know in the art for its use in selection/computation/automation process, and the selection of a field programmable gate array or gate array for use in Oguma's function select mechanism (including 62, 63, and 65) would be clearly within the level of ordinary skill in the art. If Applicant challenges the fact that such a field programmable gate array or gate array is well-

known for its use in selection/computation/automation process, supportive documents will be provided upon request.

Allowable Subject Matter

Claim 13 and 14 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action.

U.S. Patent Nos. 6,141,719 to Rafferty et al. is cited as relevant art.

Any inquiry concerning this communication should be directed to Khanh Dang at telephone number 703-308-0211.

Khanh Dang
Primary Examiner